

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 SHANE ROBERT DONOVAN,

4 Plaintiff

Case No. 3:20-cv-00099-MMD-WGC

**ORDER**

5 v.

6 STATE OF NEVADA, *et al.*,

7 Defendants  
8

9 **I. DISCUSSION**

10 On February 12, 2020, Plaintiff, an inmate in the custody of the Nevada  
11 Department of Corrections ("NDOC"), submitted a civil rights complaint under 42 U.S.C.  
12 § 1983 and filed an application to proceed *in forma pauperis*. (ECF Nos. 1, 1-1).

13 Plaintiff's application to proceed *in forma pauperis* is incomplete. Under 28 U.S.C.  
14 § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed  
15 *in forma pauperis* and attach both an inmate account statement for the past six months  
16 and a properly executed financial certificate. Plaintiff has not submitted an inmate  
17 account statement for the past six months. (See ECF No. 1). The Court will retain  
18 Plaintiff's civil rights complaint (ECF No. 1-1), but will not file it until the matter of the  
19 payment of the filing fee is resolved. Plaintiff will be granted an opportunity to cure the  
20 deficiencies of his application to proceed *in forma pauperis* by filing an inmate account  
21 statement for the past six months, or in the alternative, pay the full filing fee for this action.  
22 If Plaintiff fails to file an inmate account statement, the Court will dismiss the case in its  
23 entirety, without prejudice, to file a new case when Plaintiff is able to acquire the  
24 necessary documents to file a complete application to proceed *in forma pauperis*.

25 **II. CONCLUSION**

26 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND  
27 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well  
28 as the document entitled information and instructions for filing an *in forma pauperis*

1 application.

2 IT IS FURTHER ORDERED that within **sixty (60) days** from the date of this order,  
3 Plaintiff will either: (1) file an inmate account statement for the past six months in  
4 compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action  
5 (which includes the \$350 filing fee and the \$50 administrative fee).

6 IT IS FURTHER ORDERED that, if Plaintiff fails to timely file an inmate account  
7 statement, the Court will dismiss the case, without prejudice, for Plaintiff to file a new case  
8 when he is able to acquire the necessary documents to file a complete application to  
9 proceed *in forma pauperis*.

10 DATED: February 14, 2020

11 William G. Cobb  
12 UNITED STATES MAGISTRATE JUDGE  
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